DETAILED ACTION

Claim Rejections- 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15, 17, 21 are rejected under 35 U.S.C. 102(b) as being unpatentable

over O'neill (US 6,219,653).

As per Claim 13

O'neill ('653) discloses,

receiving in real-time trading information (current inventory data/price) that includes trade orders generated by a remote module (trading platform) that applies a trading strategy (establish price and availability limits) to real-time dealing rates (price), see column 2, lines 26-33.

transmitting in real-time the trade orders to the remotely located broker platform for execution on the client (buyer) account, see Fig 1 (16, 22) and Applicant's own admitted Background of Invention, Page 1, lines 18-19 and Page 2, line 1-3.

As per Claim 14

O'neill ('653) further discloses applying in real-time predetermined client settings (saved market order template) to the trading information to select from the trading information those trade orders that comport with the client settings), see column 3, lines 41-47 and column 27, lines 14-19.

transmitting in real-time the selected trade orders to a remotely located broker platform for execution on the client (buyer) account, see Fig 1 (16, 22) and Applicant's own admitted Background of Invention, Page 1, lines 18-19 and Page 2, line 1-3.

As per Claim 15

formatting a display of the trade orders and executed trade orders (order tracking), see Fig 14 (600)

receiving updated client settings (updates current inventory data for seller clients), see column 2, lines 25-28.

applying in real-time the updated client settings (saved market order template) to the trading information to select from the trading information those trade orders that comport with the updated client settings, see column 3, lines 41-47 and column 27, lines 14-19.

As per Claim 17

O'neill ('653) discloses,

establishing access to real-time dealing rates (current inventory data/price), see column 2, lines 25-29.

setting up a plurality of trading strategies (trading preferences), see column 2, lines 49-53.

applying the plurality of trading strategies to the dealing rates (inventory data) to generate one or more proposed trade orders, see column 3, lines 6-8, 34-38.

coordinating the proposed trade orders by suspending any of the proposed trade order that conflicts with a previously accepted trade order, see column 3, lines 44-47. (Market order is saved as market order template that allows reusing a particular market order query. It is inherent that those trade orders conflicts with (different from) this particular previous market order is are not used/suspended.)

As per Claim 21

O'neill ('653) discloses,

an input for accessing real-time dealing rates (current inventory data/price), see column 2, lines 26-32.

a processor for applying a plurality of trading strategies to the dealing rates (inventory data/price) to generate one or more proposed trade orders, see 00c0olumn 2, lines 25-29 and column 3, lines 6-8, 34-38.

and for coordinating the proposed trading orders by suspending any of the proposed trade orders that conflicts with a previously accepted trade order, see

column 3, lines 44-47. (Market order is saved as market order template that allows reusing a particular market order query. It is inherent that those trade orders conflicts with (different from) this particular previous market order are not used/suspended.)

a means (trading exchange system) for detecting execution (order tracking) of an accepted trade order, see Fig 14.

a database (database server) for storing trading information including accepted trade orders and executed trade orders, see column 7, lines 21-26 and column 29, lines 21-26. (It is inherent that a database can store any kind of data in its memory.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 10, 12, 13-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over O'neill (US 6,219,653) in view of Official Notice

As per Claim 1

O'neill ('653) discloses

receiving an input of dealing rates (inventory data/price) at the vendor (seller) module, see column 2, lines 25-30.

applying the trading strategy (price and availability limits/ trading preference) operating in the vendor (seller) module to the dealing rates (price), see column 2, lines 32-33, 51-53 and column 20, lines 4-7.

transmitting trading information (trading exchange application) from the vendor module (seller) to a server module (communication network/ network server/trading server), see Fig 1 (20, 44, 24), column 6, lines 53-56.

receiving the trading information (inventory data) from the server module (database server) in at least one of the client modules (buyer site), see column 7, lines 23-26, 52-55 and Fig 1 (12, 20, 44).

the at least one of the client modules selecting one or more of the trade orders (market order) from the trading information(market information/trading partner) based on predetermined client settings (saved market order template), see column 3, lines 41-47 and column 27, lines 14-19.

transmitting the selected trade orders from the at least one client module (buyer site/investor platform) to a broker server (broker site) for execution, see Fig 1 (12, 16) and Applicant's own admitted disclosure in Background of Invention, lines 17-19 of page 1, lines 1-3 of page 2.

Prior art discloses the claimed invention except for trade orders are generated at the vendor's module and the trade order information is transmitted from the vendor's module to a server module. The prior art teaches trade orders are generated at the buyer's module (see column 24, line 67, column 25, lines 1-3, column 27, lines 13-19, and column 3, lines 6-8) and the trade order information (market order) is transmitted from the buyer's module to a server module (accounting server) (see column 4, lines 33-36). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to rearrange O'neill's invention to have the trade order generated at the vendor's module and transmitted from the vendor module instead of generated at/transmitted from the buyer's module, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70.*

As per Claim 2

O'neill ('653) further discloses the steps performed by the vendor (trading client/ seller client) module of accessing a database of historical trading information (order tracking), including past dealing rates (total price) and past trade orders, see Fig 14 and column 3, lines 55-61, 66 and column 4, line 1 and column 19, lines 35-36.

using at least part of the historical trading information (market order template) to apply the trading strategy (strategy = reuse particular market order) to generate the trade orders, see column 2, lines 44-47.

As per Claim 3

O'neill ('653) further discloses the step of the vendor module applying predetermined vendor settings (profile data) to the trading strategy (trading

preference) for generating the trade orders, see column 2, lines 42-60.

As per Claim 4

O'Neill ('653) further discloses,

a website module receiving from the vendor module (see Fig 1 (14, 20,44) trading information that includes trade orders and the result (delivery location/details) of executed trade orders (order tracking), see Fig 14.

the website module formatting a display of the trade orders generated by the vendor module and result of the executed trade orders (order tracking), see Fig 14.

O'Neill ('653) does not specifically disclose the vendor module transmitting the trading information including trade orders to the broker server for execution

Official Notice is taken that it is old and well known in the trading art to have seller/buyer transmit trade orders to the broker.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the sellers send trade orders to the broker.

One of ordinary skill in the art would be motivated to do so, for the benefit of having an intermediary to arrange deals.

As per Claim 5

The website module receiving from the vendor module historical trading information (past orders) including data showing the performance of the trading strategy, see Fig 14 (600, 602). (performance of trading strategy = result of trading strategy = information of completed orders)

The website module formatting a second display (details) of the historical trading information (order tracking/reports), see Fig 14 (600, 602, 612)

As per Claim10

O'neill ('653) discloses,

a vendor module that uses an input of real-time dealing rates (inventory data/price) and at least one trading strategy (price and availability limits/ trading

preference) to generate vendor (seller) trade orders for the vendor account, see
column 2, lines 25-33, 51-53 and column 20, lines 4-7.

a server module that receives a signal representing vendor trading
information including the vendor trade orders from the vendor module and
transmits a signal representing the vendor trading information to one or more
client modules, see Fig 1 and column 27, lines14-19.

each of the one or more client modules that applies its predetermined
settings (saved market order template), to the received vendor trading
information to select trade orders for its client account, see column 3, lines 41-47
and column 27, lines 14-19.

Prior art discloses the claimed invention except for trade orders are generated at
the vendor's module. The prior art teaches trade orders are generated at the
buyer's module (see column 24, line 67, column 25, lines 1-3, column 27, lines
13-19, and column 3, lines 6-8). It would have been obvious to one of ordinary
skill in the art, at the time the invention was made, to rearrange O'neill's invention
to have the trade order generated at the vendor's module, since it has been held
that rearranging parts of an invention involves only routine skill in the art. *In re
Japikse, 86 USPQ 70.*

As per Claim 12

O'neill ('653) further discloses the vendor (selelr) module that transmits to a
website module (Trading Exchange System), see Fig 1 (12,20) and Fig 3.

a first signal representing the vendor (seller) trade orders, see Fig 13H (400, 402)

a second signal representing historical trading information (past orders) for the at
least one trading strategy, see Fig 14.

the website module that receives the first signal and second signal, formats a
display of the vendor trade orders, and formats a second display of the historical
trading information, see Fig 14 (600, 602) and Fig 12.

As per Claim 20

O'neill ('653) further discloses the steps of using at least one predetermined trading strategy (market order parameter) to generate the trade orders (place market orders), see column 27, lines 13-19 and column 3, lines 5-9.

storing historical trading information including the trade orders and the executed trades (order tracking), see Fig 7B, Fig 14 and column 7, lines 21-26 and column 29, lines 21-26. (It is inherent that a database can store any kind of data in its memory.)

and upon request from one of the clients formatting a second display showing the performance of the at least one trading strategy (performance = result of requested sales order) using the stored historical trading information (order tracking), see Fig 14.

Claims 8, 9, 16, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'neill (US 6,219,653) in view of Kemp, II et al. (US 2003/0236737 A1) and further in

view of Official Notice.

As per Claim 8

O'neill ('653) further discloses a default number of units to be used for each of the trade orders generated by the vendor module, see column 26, lines 33-37.

specifying a permissible range of price discrepancy (price limits), see column 2 lines 32-33.

O'Neill ('653) does not specifically disclose a number of points that would trigger a stop in trade orders, enabling or disabling automatic transmission to the broker server of the trade orders generated by the vendor module, enabling or disabling automatic transmission to the broker server of the trade orders to buy and enabling or disabling automatic transmission to the broker server of the trade orders to sell.

Kemp ('737) teaches a number of points that would trigger a stop (delete/cancel/replace) in trade orders, see paragraph 0030, lines 4-13.

Prior art discloses the claimed invention except for enabling or disabling automatic transmission. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to include enabling or disabling automatic transmission, since it has been held that making automatic of an invention involves only routine skill in the art. *In re Venner, 120 USPQ 70, 73.*

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include a number of points that would trigger a stop in trade orders, enabling or disabling automatic transmission to the broker server of the trade orders generated by the vendor module, enabling or disabling automatic transmission to the broker server of the trade orders to buy and enabling or disabling automatic transmission to the broker server of the trade orders to sell.

One of ordinary skill in the art would be motivated to do so, for the benefit of assisting user in his/her trading.

As per Claim 9

a number of units to be used for each of the trade orders based on a specific one of said plurality of trading Strategies, see column 26, lines 33-37.

specifying a number of consecutive win transactions or consecutive loss transactions that trigger an increase or decrease in the number of units per trade order based on a specific one of said plurality of trading strategies, see column 3, lines 10-20 and column 34, lines 55-60. (Consecutive win = more/larger order = triggers increase in the number of units (optimize load capacity))

O'Neill ('653) does not specifically disclose enabling or disabling automatic transmission to the broker server of the trade orders based on a specific one of said plurality of trading strategies and trade orders are generated by vendor's module.

The prior art teaches trade orders are generated at the buyer's module instead of at the vendor's module (see column 24, line 67, column 25, lines 1-3, column 27, lines 13-19, and column 3, lines 6-8). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to rearrange O'neill's invention to have the trade order generated by the vendor's module, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse, 86 USPQ 70.*

Kemp ('737) teaches enabling or disabling automatic transmission

(automatic/manual mode) to the broker server of the trade orders based on a specific

one of said plurality of trading strategies, see paragraph 0074, lines 5-13.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include enabling or

disabling automatic transmission to the broker server of the trade orders based on a specific one of said plurality of trading strategies and trade orders are generated by vendor's module.

One of ordinary skill in the art would be motivated to do so, for the benefit of assisting user in his/her trading.

As per Claim 16

O'neill ('653) further discloses an input for receiving real-time trading information (market activities) that includes trade orders (market orders), see figure 3 and Fig 13-I (402, 430)

a processor for applying predetermined client (buyer) settings (market order template) to the trading information to select those trades that comport with the client settings, see column 12, lines 49-52, 55-57.

a transmitter for sending the selected trade orders to the remotely located broker platform for execution of the selected trade orders on the client account, see Fig 1 (20,16,22) and Applicant's own admitted Background of Invention, Page 1, lines 18-19 and Page 2, line 1.

O'neill discloses the claimed invention except for sending trade orders automatically.

Kemp ('737) teaches automatic transmission, see paragraph 0074, lines 5-13.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include automatic transmission of the trade orders.

One of ordinary skill in the art would be motivated to do so, for the benefit of assisting user in his/her trading.

As per Claim 18

O'neill ('653) further discloses the step of transmitting to a broker server trading information including the accepted trade orders for execution on a predetermined account, see Fig 1 (12, 20,16) and Applicant's own admitted disclosure in Background of Invention, lines 17-19 of page 1, lines 1-3 of page 2.

O'neill discloses the claimed invention except for sending trade orders automatically.

Kemp ('737) teaches automatic transmission, see paragraph 0074, lines 5-13.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include automatic transmission of the trade orders.

One of ordinary skill in the art would be motivated to do so, for the benefit of assisting user in his/her trading.

As per Claim 19

O'neill ('653) further discloses generating trade orders using a charting program, see Applicant's own admitted Background of Invention, page 4, lines 4-5.

formatting a display accessible by the one or more clients (buyers), the display showing the trade orders (market orders), see column 5, lines 29-31 and Fig 13A and column 7, lines 23-26.

detecting execution of a trade order (order tracking) on a predetermined account with a broker server, see Fig 14 and Fig 1 (16).

updating the display to show the executed trade, see Fig 7B and Fig 14.

O'neill ('653) does not specifically discloses if the executed trade creates an open position to show the open position.

Kemp ('737) teaches show the open position, see paragraph 0067, lines 1-3.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include if the excuted trade creates an open position show the open position.

One of ordinary skill in the art would be motivated to do so, for the benefit of assisting user in his/her trading.

Claims 6, 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'neill

(US 6,219,653) in view of Kemp, II et al. (US 2003/0236737 A1), further in view of

Nayak et al. (US 2002/0111839 A1)

As per Claim 6

O'neill ('653) further discloses receiving from the server module (communication network/ network server/trading server) the trading information (trading exchange application) that includes the trade orders generated by the vendor module, see Fig 1 (20, 44, 24), column 6, lines 53-56.

receiving a streaming input of dealing rates (price), see column 2, lines 25-29.

transmitting trading information including trade orders from the vendor (seller) module to the server module, see Fig 2 (12,20)

O'neill ('653) does not specifically discloses applying the second trading strategy to the dealing rates and the trade information to generate trade orders.

Kemp ('737) teaches applying the second trading strategy to generate second/subvendor trade orders, see Claim 26 of Kemp.

Prior art does not teach subvendor preparing a trade order for vendor. However, Nayak ('839) teaches it is obvious for subvendor to prepare a trade order for vendor, see pargraph 0047, lines17-20.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include subvendor preparing a trade order for vendor.

One of ordinary skill in the art would be motivated to do so, for the benefit of increasing the speed of transaction.

As per Claim 7

O'neill ('653) further discloses

receiving the trading information (inventory data) from the server module, see Fig 1, column 6, line 49 and column 2, 23-32.

selecting one or more trade orders from the trading information based on predetermined client settings (saved market order template), see column 3, lines 41-47 and column 27, lines 14-19.

transmitting the selected trade orders to the broker server for execution, see Fig 1 (16)

Prior art does not teach subvendor preparing a trade order for vendor. However, Nayak ('839) teaches it is obvious for subvendor to prepare a trade order for vendor, see pargraph 0047, lines17-20.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include subvendor preparing a trade order for vendor.

One of ordinary skill in the art would be motivated to do so, for the benefit of

increasing the speed of transaction.

As per Claim 11

O'neill ('653) further discloses receives the signal representing the vendor trading information (inventory data/price) from the server module, see column 2, lines 25-30 and column 6, lines 49.

uses the vendor trading information along with an input of real-time dealing rates (inventory data/price) to generate trade orders, see column 2, lines 25-33, 51-53 and column 20, lines 4-7.

transmits a signal representing trading information including the trade orders to the server module (communication network/ network server/trading server), see Fig 1 (20, 44, 24), column 6, lines 53-56.

one or more modules that each receives the signal representing the trading information including the trading orders, see column 29, lines 22-23.

applies its predetermined client settings (saved market order template), to the received trading information to select trade orders for its client account, see column 3, lines 41-47 and column 27, lines 14-19.

O'neill ('653) does not specifically discloses applying the second trading strategy to the dealing rates and the trade information to generate trade orders.

Kemp ('737) teaches applying the second trading strategy to generate second/subvendor trade orders, see Claim 26 of Kemp.

Prior art does not teach subvendor preparing a trade order for vendor. However, Nayak ('839) teaches it is obvious for subvendor to prepare a trade order for vendor, see pargraph 0047, lines17-20.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'neill's invention to include subvendor preparing a trade order for vendor.

One of ordinary skill in the art would be motivated to do so, for the benefit of

increasing the speed of transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JENNIFER LIU whose telephone number is (571)270-

1573. The examiner can normally be reached on Mon-Thur alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TOM DIXON can be reached on (571) 272-6803. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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